

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RODD COOLEY,

Plaintiff,

v.

HAROLD CLARKE, *et al.*,

Defendants.

Case No. C05-5560RBL

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendant Warden Smelzer's motion for summary judgment (Dkt. # 42) is **GRANTED**; and
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants and to the Hon. Karen L. Strombom.

DATED this 6th day of February, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE